

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN THOMAS BENJAMIN,	:	
		: CIVIL ACTION NO. 3:20-CV-1825
Plaintiff,	:	: (JUDGE MARIANI)
		: (Magistrate Judge Arbuckle)
V.	:	
	:	
SCRANTON UC SERVICE CENTER, et al.,	:	
	:	
Defendants.	:	

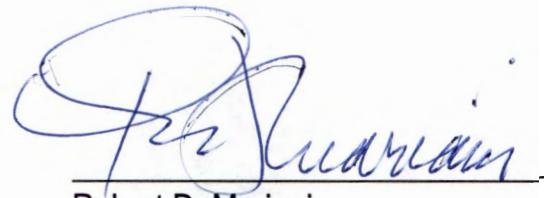
ORDER

AND NOW, THIS 26th DAY OF FEBRUARY 2021, upon review of Magistrate Judge William I. Arbuckle's Report and Recommendation ("R&R) (Doc. 5) for clear error or manifest injustice,¹ IT IS HEREBY ORDERED THAT:

1. The R&R (Doc. 5) is **ADOPTED** for the reasons set forth therein;
2. Based on 28 U.S.C. § 1915(e)(2) initial screening, Plaintiff's Complaint is **DISMISSED** without leave to amend pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii);

¹ Plaintiff filed a document responding to the R&R on February 22, 2021. (Doc. 6.) The document is postmarked February 16, 2021. (Doc. 6 at 2.) Therefore, the Court does not consider the document to be timely filed pursuant to 28 U.S.C. § 636(b)(1)(B). Moreover, Plaintiff provides no specific objection to the R&R but states generally that the Magistrate Judge was "misleading" his "original case" and used "words and different codes" from those used in Plaintiff's complaint. (Doc. 6 at 1.) Based on the filing date and content, the Court does not construe this document to be timely filed objections. As such, the Court reviews the R&R under the clear error standard rather than the *de novo* standard warranted when timely and specific objections are filed. See *Goney v. Clark*, 749 F.2d 5, 6-7 (3d Cir. 1984).

3. The Clerk of Court is directed to **CLOSE THIS CASE.**



Robert D. Mariani
Robert D. Mariani
United States District Judge